

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT HARDEN,

Plaintiff,

vs.

TECUMSEH STATE CORRECTIONAL
INSTITUTE, and NEBRASKA
DEPARTMENT OF CORRECTIONAL
SERVICES,

Defendants.

8:20CV281

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Robert Harden's Motion for Leave to Proceed in Forma Pauperis ("IFP"). ([Filing 5](#).) As stated in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot

bring a civil action . . . or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

This court has previously determined that three or more federal court cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. *See Harden v. The State of Nebraska et al.*, Case No. 4:17CV3095 (D.Neb.) ([Filing 8](#), August 16, 2017 Memorandum and Order requiring Plaintiff to show cause why case should not be dismissed pursuant to PLRA's "three strikes" provision).

In light of the foregoing, the court will give Plaintiff 30 days in which to show cause why this case should not be dismissed pursuant to the provisions of [28 U.S.C. 1915\(g\)](#). In the alternative, Plaintiff may pay the full \$400.00 filing and administrative fees. In the absence of good cause shown, or the payment of the necessary fees, this action will be dismissed.

IT IS THEREFORE ORDERED:

1. Plaintiff has 30 days to either show cause for why this case should not be dismissed pursuant to [28 U.S.C. § 1915\(g\)](#) or pay the court's \$400.00 filing and administrative fees.

2. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: **September 14, 2020**: deadline for Plaintiff to show cause or pay fees.

Dated this 13th day of August, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge